

REMARKS

Claims 1-11, 21- 27, 29-33 and 37 are pending in the application. Claim 1 is independent. Claim 37 is newly added. Support for the subject matter of claim 37 is found at paragraphs [0027] and [0065]. (These references relate to paragraphs and figures as numbered in the published version (Pub. No.: US 2007/0179606 A1) of Patent Application No. 10/564,518).

Claims 1-11, 21, 24-27 and 29-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,458,643 to Oka et al. ("Oka") in view of U.S. Patent No. 7,008,635 to Coury ("Coury") and further in view of U.S. Patent No. 3,867,728 to Stubstad et al. ("Stubstad"). This rejection is respectfully traversed.

Oka, Coury and Stubstad individually and together fail to disclose, teach or suggest a prosthesis having a "flexible portion [that] comprises a fibre-reinforced hydrogel containing chopped fibres, the hydrogel comprising charged groups." The Office Action admits that Oka fails to disclose these features and relies on Stubstad only for the disclosure of flexible implant, but not for the above quoted feature. The Office Action relies only on Col. 2:15-17 of Coury for disclosure of this feature. However, this cited portion of Coury makes no mention of charged groups, instead disclosing only that "the first component is a covalently-crosslinkable hydrophilic, polymeric, of high biocompatibility, and optionally spontaneously hydrolyzing ('biodegradable'). It is preferably sufficiently hydrophilic to be water-soluble at a temperature between about 0 and 70." The mere fact that Coury discloses a hydrophilic gel does not imply that charged groups are also present. It also would not have been obvious to add charged groups to Coury, alone or in combination, because Coury states at Col. 3:47 that hydrogels having a low swellability are preferred, *i.e.*, gels without charged groups. Thus, Oka, Coury and Stubstad fail to disclose all the features of claim 1.

Oka, Coury and Stubstad also fail to disclose, teach or suggest the features of newly added dependent claim 37, which recites that "the hydrogel comprises negatively charged groups, such that the hydrogel is configured to absorb fluid by osmotic action when the hydrogel is at rest."

Accordingly, Applicants respectfully request that the rejections of claim 1 be withdrawn and the claim allowed. The dependent claims depend from claim 1 and are allowable for at least the same reasons as claim 1, as well as for the additional limitations recited therein.

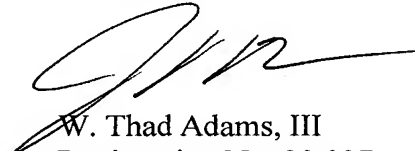
Claims 21-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Oka, Coury, Stubstad and further in view of U.S. Patent No. 5,047,055 to Bao ("Bao") and U.S. Patent No. 6,264,695 to Stoy ("Stoy"). This rejection is respectfully traversed.

Bao and Stoy fail to cure the deficiencies of Oka, Coury and Stubstad, as described above with respect to claim 1. Accordingly, claims 21-23 are allowable for at least the same reasons as claim 1, as well as for the additional limitations recited therein.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11, 21-27, 29-33 and 37 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Request for Continued Examination
Petition for Extension of Time

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